



Town of Dumfries  
Council Meeting

Meeting Date:

July 24, 2012

Agenda Item#

XII - A

AGENDA ITEM FORM

**TYPE OF AGENDA ITEM:**

- ☐ CONSENT AGENDA  
☐ PRESENTATION  
☐ ACTION ITEM  
☐ TOWN MANAGER & STAFF COMMENTS  
☒ PUBLIC HEARING  
☒ Duly Advertised

**PURPOSE OF ITEM:**

- ☐ INFORMATION ONLY  
☐ DISCUSSION ONLY  
☐ DISCUSSION AND/OR DECISION  
☒ Introduction ☐ Resolution  
☒ Ordinance ☐ Grant/MOU  
☐ By Motion ☐ Bylaws  
☐ Certificate

**PRESENTER:** Robert E. Forker, Jr.

**PRESENTER TITLE:** Chief of Police

**AGENDA ITEM:**

Introduction of Ordinance to Amend the Town Code to Create a New "Forbidden to Trespass" Ordinance

**BACKGROUND / SUMMARY:**

A review of the Town Code shows there is no Town Ordinance to forbid trespassing on posted property or after a person has been warned not to trespass. Police Officers currently cite Virginia State Code 18.2-119. The addition of a "forbidden to Trespass" ordinance will allow officers to use the Town Code. This Town Ordinance, Chapter 38, Article 1, Section 38-15, will be similar to the State Code

**ATTACHMENTS:**

Public Hearing Notice  
Proposed "Forbidden to Trespass" Ordinance

**REQUESTED ACTION:**

☐ NO ACTION REQUESTED

Motion to introduce "Forbidden to Trespass" Ordinance

**FOR MORE INFORMATION, CONTACT:**

Name: Robert E. Forker, Jr.

Phone#: 703.221.1111

E-mail: rforker@dumfriesva.gov

**FOR USE DURING MEETING**

**VOTE:**

☐ PASSED

☐ NOT PASSED

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Brewer
<input type="checkbox"/>	<input type="checkbox"/>	Praino
<input type="checkbox"/>	<input type="checkbox"/>	Washington

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Foreman
<input type="checkbox"/>	<input type="checkbox"/>	Reynolds

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Forrester
<input type="checkbox"/>	<input type="checkbox"/>	Toney

**NOTICE OF PUBLIC HEARING**

**BY THE TOWN COUNCIL**

**OF THE TOWN OF DUMFRIES, VIRGINIA ON**

**July 24, 2012 AT 7:00 PM**

**or as soon thereafter as may be heard**

**Located at 17755 Main Street, Dumfries, VA 22026**

The Town Council of the Town of Dumfries hereby gives notice of a Public Hearing to consider an amendment to the Code of the Town of Dumfries, for a new section, Section 38-15, No Trespass Ordinance.

All supporting material is available for public inspection at the Office of the Town Clerk at 17755 Main Street, Dumfries, Virginia 22026 between the hours of 8:30 AM and 5:00 PM; M-F. The public hearing is being held in a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility or needing to discuss accommodation of a disability should contact the Town Clerk at 703-221-2400 or [dhobgood@dumfriesva.gov](mailto:dhobgood@dumfriesva.gov), during normal working hours.

**BY GERALD FOREMAN, MAYOR**

**TOWN OF DUMFRIES, VIRGINIA**

Instruction to Publisher: Run this notice one time on July 12 and one time on July 19, 2012

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON JULY 24, 2012, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION MADE BY \_\_\_\_\_, AND SECONDED BY \_\_\_\_\_, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, ;  
Gerald M. Foreman, II, ;  
Kristin W. Forrester, ;  
Louis A. Praino, ;  
Helen D. Reynolds, ;  
Willie J. Toney, ;  
Gwen P. Washington, ;

**AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA,  
AS AMENDED, BY ADDING SECTION 15 TO CHAPTER 38, ARTICLE I  
RELATING GENERALLY TO NO TRESPASS ORDINANCE**

**WHEREAS**, a review of the Town Code shows there is no Town Ordinance to prohibit trespassing on property or after a person has been forbidden to do so by duly posted signs or other proper notice given not to trespass, and

**WHEREAS**, Town Council discussed the matter at their June 19, 2012 meeting and directed staff to move forward to a public hearing on an ordinance to prohibit trespass after having been forbidden to do so, and

**WHEREAS**, the Town Council held a duly advertised public hearing on July 24, 2012.

**NOW, THEREFORE BE IT ORDAINED** by the Council of the Town of Dumfries on this the 3rd day of August, 2012, that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding Section 15 to Chapter 38, Article 1 and is enacted as follows:

**Sec. 38-15 - Trespass after having been forbidden to do so.**

If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or the agent of any such person, or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by or at the direction of such persons or the agent of any such person or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or, if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to the Code of Virginia, 1950, as amended, §§ 16.1-253,

16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or § 19.2-152.10 or an ex parte order issued pursuant to § 20-103, and after having been served with such order, he shall be guilty of a Class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of §§ 18.2-132 through 18.2-136.

This ordinance shall become effective on August 3, 2012.

By Order of Council:

\_\_\_\_\_  
Gerald M. Foreman, Mayor

Attest: \_\_\_\_\_  
Dawn Hobgood, Town Clerk